

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Docket No: Q84077
Einar MOEN et al Conf. No.: 4835
Appln. No.: 10/511,685 Group Art Unit: 1657
Filed: April 22, 2005 Examiner: Singh, S.
For: PRODUCT

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, STATOILHYDRO ASA, do depose, declare and state that:

STATOILHYDRO ASA was the developer and depositor of *Brevibacillus agri* (*Bacillus firmus*) (DB5) (strain NCIMB 41525), *Methylococcus capsulatus* (Bath) (strain NCIMB 41526), *Ralstonia sp.* (*Alcaligenes acidovorans*) (DB3) (strain NCIMB 41527), and *Aneurinibacillus sp* (*Bacillus brevis*) (DB4) (strain NCIMB 41528) as described in the above-identified application.

We, STATOILHYDRO ASA agree that upon allowance and issuance of the above-identified application into a United States Patent, restriction on availability of:

Brevibacillus agri (*Bacillus firmus*) (DB5) (strain NCIMB 41525),
Methylococcus capsulatus (Bath) (strain NCIMB 41526),
Ralstonia sp. (*Alcaligenes acidovorans*) (DB3) (strain NCIMB 41527), and
Aneurinibacillus sp (*Bacillus brevis*) (DB4) (strain NCIMB 41528),

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which is designated in the specification of the above-identified application and deposited at the NCIMB Ltd., located at Ferguson Building, Craibstone Estate, Bucksburn, Aberdeen, AB21 9YA, Scotland, UNITED KINGDOM, on December 4, 2007, will be irrevocably removed.

We agree that the above-identified strains designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposits become non-viable, they will be replaced; and

We also assure access to the deposits as determined by the Commissioner under 37 C.F.R. § 1.14.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

STATOILHYDRO ASA

Date: 31 JANUARY 2008

Name:

Name: TREVOR LAGREVE
Title: HEAD OF IPR